

Docket No. 23-4509

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

United States of AmericaPlaintiff-Appellee,

v.

Russell Lucius LaffitteDefendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA,
BEAUFORT DIVISION, RICHARD M. GERGEL, DISTRICT JUDGE

**DEFENDANT-APPELLANT'S RESPONSE TO APPELLEE'S
MOTION FOR EXTENSION OF TIME**

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Appellant Russell Lucius Laffitte (“Laffitte”), by and through undersigned counsel, hereby responds to Appellee United States of America’s Motion for Extension of Time to File Response to Appellant’s Motion for Bail/Release Pending Appeal and consents to that request.

On August 14, 2023, Laffitte filed a Motion for Bail/Release Pending Appeal requesting that this Court act “act expeditiously because it is anticipated that he will be designated to report to a Bureau of Prisons facility within the next few weeks.” *Mot.* at 30. On August 15, 2023, this Court directed that the Government file a response to that Motion on or before August 22, 2023. On August 17, 2023, the Government filed a motion requesting an additional three days – until August 25, 2023 – to respond because they needed to rely on a transcript of the sentencing hearing, which they indicated they had received that same day. *Mot.* at 2.

The Court should be aware that undersigned counsel ordered a copy of the transcript on or about August 7, 2023. The next day, on August 8, 2023, Laffitte filed his Notice of Appeal of Final Judgment. Dkt. 319.

The Government consulted undersigned counsel on its extension request. The Parties had discussed the possibility of Laffitte consenting to this extension if the Government agreed to a reasonable extension of Laffitte’s reporting date. The Government did not agree an extension of the reporting date was necessary at that

time and filed their request before undersigned counsel had the opportunity to consult with Laffitte. *See Mot.* at 2.

Earlier today, August 18, 2023, Laffitte received his designation letter from the United States Marshals Service with a report date of September 14, 2023 by 12 p.m. The Court should be advised that Laffitte almost certainly intends to file a Reply to the Government's forthcoming Response to his Motion for Bail/Release Pending Appeal. Because of his now impending report date, undersigned counsel contacted the government and asked the Government again if they would consent to an extension of his report date. The Government has agreed to consent to a one-week extension of Laffitte's reporting date – until September 21, 2023. Given the Government's consent to a one-week extension of Laffitte's reporting date, undersigned counsel consents to the Government's request for an additional three days to file its Response to the Motion for Bail/Release Pending Appeal.

Undersigned counsel will file a Consent Motion for an Extension of Laffitte's Reporting Deadline with the district court, and this Court if necessary, and reserves the right to request further extensions of Laffitte's reporting deadline if necessary to allow this Court to fully consider and rule on his Motion for Bail/Release Pending Release Appeal.

Dated: August 18, 2023

Respectfully submitted,

/s/ William W. Wilkins

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CERTIFICATE OF COMPLIANCE

As required by Rule 32(g)(1) of the Federal Rules of Appellate Procedure, I hereby certify that this Defendant-Appellant's Consent Motion for Excess Words is in compliance with the type form and volume requirements. This Motion was prepared using Microsoft Word 2016. It is proportionately spaced; uses a Roman-style, serif typeface (Times New Roman) of 14-point; and contains 441 words exclusive of the material not counted under Rule 32(f) of the Federal Rules of Appellate Procedure.

Dated: August 18, 2023

/s/ William W. Wilkins

William W. Wilkins

Maynard Nexsen PC

Counsel for Defendant-Appellant

Russell Lucius Laffitte

CERTIFICATE OF SERVICE

I certify that on August 18, 2023, the foregoing Motion for Excess Words was served on counsel of record for all parties through the CM/ECF system.

Dated: August 18, 2023

/s/ William W. Wilkins

William W. Wilkins

*Counsel for Defendant-Appellant
Russell Lucius Laffitte*